

To: Lewis and Clark County Citizen's Advisory Committee
From: John Wilkinson
Re: Question about precluding DOC Detainees from Pretrial Services
Date: February 27, 2020

It's important to note that since the inception of Lewis and Clark County's Criminal Justice Services, and through the sustained support of the County Commissioners, significant numbers of our detainees being "successfully" released on a pretrial basis.

The following concerns are offered in the spirit of supporting the "Stepping Up" Initiative's goal to "reduce the number of people with mental illness in our county jail, adopted by the Commissioners in August 2015.

The county's Criminal Justice Services Department and the Pretrial Services program have developed weekly statistical reports on the status of our county's detainees, including updates on the status of detainees released on a pretrial basis.

However, this information indicates our county's detention census is increasing.

When the CAC was initially formed in 2014 the jail's census was over 80 persons with an additional 20 detainees housed at other facilities.

- The September 4, 2019 Weekly Detention Statistics reported 124 detainees (104 In House and 19 at other facilities) including 56 ineligible DOC detainees. 332 pretrial clients
- The February 16, 2020, Weekly Detention Statistics reported 137 detainees (108 in house and 29 at other facilities) including 49 ineligible DOC detainees. 379 pretrial clients

These statistics would indicate our detention census increased approximately 35% from 2014 to 2020. Although it has been anecdotally reported that the amount of time a person is detained on a pretrial basis has declined, this information is not contained in the weekly statistical report.

Moreover, the reports identify a significant number of “ineligible” DOC detainees. Kellie anecdotally stated during a November 2019 “Six Questions Task Force meeting there is “a very significant difference between in time DOC detainees are incarcerated vs non-DOC detainees.” As DOC detainees represent 45-55% of our jail’s census, it is essential the CAC understands the basis for this determination as this materially affects our county’s ability to reduce the amount of time persons are detained (inclusive of those with mental illness) on a pretrial basis.

The issue of DOC detainees’ ineligibility for pretrial services is our “elephant in the living room.” I recommend the CAC convenes a workgroup to:

- Understand the “basis” for this policy, and its impact on the Stepping Up Initiative and Pretrial Services goals of reducing the number of people with mental illness and reducing the amount of time persons are detained on a pretrial basis in our jail.
- Discuss and evaluate “collaboration” partnership opportunities with DOC’s Probation and Parole representatives.
- Forward our recommendations to the CAC for their consideration.

Failure to resolve this issue will continue to have a negative material effect on our county’s capacity to

- reduce overcrowding in the jail
- reduce the amount of time a person is detained on a pretrial basis
- reduce the number of people with mental illness in our jail

Although these issues represent a very serious set of concerns, the CAC, in collaboration with CJCC can utilize this as an opportunity to clarify our Mission, Goals, and Objectives.